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**ADRIELE DOUGLAS**  
Assistant District Attorney

September 19, 2020

Re: [REDACTED]

In connection with the above-named case, the People voluntarily provide the following information regarding:

**MOS NAME: DAVID GRIECO**

**MOS TAX: 940216**

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

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**Disclosure # 1:**

THE PEOPLE HAVE LEARNED OF THE FOLLOWING INFORMATION CONCERNING MOS DAVID GRIECO FROM A REVIEW OF PUBLIC DOCUMENTS THAT WERE FILED WITH THE UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF NEW YORK, AS ATTACHMENTS TO THE AFFIDAVIT OF PLAINTIFF'S ATTORNEY, MICHAEL LUMER, IN CONNECTION WITH DISCOVERY ORDERED IN JOHNSON V. MAYER, DOCKET. NO. 13-CV-7173. (BY ORDER ENTERED JUNE 24, 2016, JUDGE ALLEYNE R. ROSS DENIED THE DEFENDANTS' MOTION TO KEEP THE DOCUMENTS UNDER SEAL.)

(1) THE INTERNAL AFFAIRS BUREAU (IAB) OF THE NYPD CONDUCTED AN INVESTIGATION INTO ALLEGATIONS THAT, ON JULY 15, 2011, MOS GRIECO AND OTHER OFFICERS HAD, INTER ALIA, CONDUCTED AN IMPROPER WARRANTLESS SEARCH OF A RESIDENCE AND STOLEN PROPERTY DURING THAT SEARCH. AS TO MOS GRIECO, IAB CONCLUDED THAT BOTH THESE ALLEGATIONS WERE UNSUBSTANTIATED, BUT DID FIND SUBSTANTIATED AN ALLEGATION THAT MOS GRIECO HAD FAILED TO MAKE PROPER MEMO BOOK ENTRIES.

(2) IAB CONDUCTED AN INVESTIGATION INTO ALLEGATIONS THAT, ON JULY 27, 2011, MOS GRIECO AND OTHER OFFICERS HAD CONDUCTED A SEARCH OF A RESIDENCE BY GAINING CONSENT PURSUANT TO A THREAT TO EVICT THE TENANT AND HAD STOLEN PROPERTY DURING THE SEARCH. AS TO MOS GRIECO, IAB CONCLUDED THAT BOTH THESE ALLEGATIONS WERE UNSUBSTANTIATED, BUT DID FIND SUBSTANTIATED AN ALLEGATION THAT MOS GRIECO HAD FAILED TO MAKE PROPER MEMO BOOK ENTRIES.

(3) THE CIVILIAN COMPLAINT REVIEW BOARD (CCRB) CONDUCTED AN INVESTIGATION INTO A COMPLAINT ALLEGING THAT, ON SEPTEMBER 16, 2011, MOS GRIECO AND OTHER OFFICERS HAD ENTERED A RESIDENCE WITHOUT SUFFICIENT EXIGENT CIRCUMSTANCES TO JUSTIFY THE WARRANTLESS ENTRY. AS TO MOS GRIECO, CCRB FOUND SUBSTANTIATED THE ALLEGATION OF ABUSE OF AUTHORITY, AND ALSO FOUND SUBSTANTIATED ALLEGATIONS THAT MOS GRIECO HAD FAILED TO MAKE PROPER MEMO BOOK ENTRIES AND FAILED TO COMPLETE A STOP AND FRISK REPORT.

(4) IAB CONDUCTED AN INVESTIGATION INTO ALLEGATIONS THAT, ON OCTOBER 29, 2011, MOS GRIECO AND OTHER OFFICERS HAD, INTER ALIA, CONDUCTED AN IMPROPER SEARCH OF A RESIDENCE AND STOLEN PROPERTY DURING THAT SEARCH. AS TO MOS GRIECO, IAB CONCLUDED THAT THE ALLEGATION OF STEALING PROPERTY WAS UNSUBSTANTIATED, BUT DID FIND SUBSTANTIATED THE FOLLOWING

ALLEGATIONS OF DEPARTMENTAL RULE VIOLATIONS: FAILED TO MAKE A MEMO BOOK ENTRY ABOUT ENTERING THE RESIDENCE; FAILED TO PREPARE A STOP AND FRISK REPORT; CONDUCTED AN IMPROPER SEARCH INSIDE THE RESIDENCE; AND PERFORMED ANTI-CRIME DUTY IN PLAIN CLOTHES WITHOUT A SUPERVISOR DEDICATED SOLELY TO ANTI-CRIME. AS A RESULT, A B CD WAS ISSUED AGAINST MOS GRIECO AND HE FORFEITED TWO (2) VACATION DAYS.

(5) IAB CONDUCTED AN INVESTIGATION INTO ALLEGATIONS THAT, ON A DATE IN DECEMBER 2011, MOS GRIECO AND OTHER OFFICERS HAD PLANTED DRUGS ON A PERSON WHO WAS THEN ARRESTED AND THAT MOS GRIECO HAD TOLD AN INDIVIDUAL TO "RAP FOR HIS FREEDOM." AS TO MOS GRIECO, IAB CONCLUDED THAT BOTH THESE ALLEGATIONS WERE UNSUBSTANTIATED, BUT DID FIND SUBSTANTIATED THE ALLEGATION THAT MOS GRIECO HAD FAILED TO MAKE PROPER MEMO BOOK ENTRIES.

(6) CCRB CONDUCTED AN INVESTIGATION INTO A COMPLAINT ALLEGING THAT, ON FEBRUARY 15, 2012, MOS GRIECO AND ANOTHER OFFICER HAD IMPROPERLY STOPPED AND FRISKED AN INDIVIDUAL ON THE STREET. AS TO MOS GRIECO, CCRB FOUND UNSUBSTANTIATED THE ALLEGATIONS THAT MOS GRIECO HAD ABUSED HIS AUTHORITY BY ALLEGEDLY IMPROPERLY STOPPING AND IMPROPERLY FRISKING THE INDIVIDUAL. CCRB (SOMEWHAT INCONSISTENTLY) DID FIND SUBSTANTIATED ALLEGATIONS THAT MOS GRIECO IMPROPERLY FAILED TO PREPARE A STOP AND FRISK REPORT AND IMPROPERLY FAILED TO MAKE A MEMO BOOK ENTRY.

(7) CCRB CONDUCTED AN INVESTIGATION INTO A COMPLAINT ALLEGING, IN PART, THAT, ON JULY 14, 2012, MOS GRIECO AND OTHER OFFICERS HAD IMPROPERLY STOPPED A VEHICLE, HAD IMPROPERLY SEARCHED THE VEHICLE, AND HAD IMPROPERLY CONDUCTED A STOP AND FRISK OF ONE OF THE VEHICLE'S OCCUPANTS. WITH RESPECT TO THE FIRST ALLEGATION, CCRB CONCLUDED THAT IT COULD NOT IDENTIFY THE SPECIFIC OFFICERS TO CHARGE. WITH RESPECT TO THE ALLEGATIONS OF IMPROPER SEARCH OF THE VEHICLE AND IMPROPER SEARCH OF THE PERSON, CCRB CONCLUDED THAT, AS TO MOS GRIECO, BOTH ALLEGATIONS WERE UNSUBSTANTIATED. HOWEVER, CCRB DID FIND SUBSTANTIATED AN ALLEGATION THAT MOS GRIECO HAD IMPROPERLY FAILED TO MAKE A MEMO BOOK ENTRY.

(8) IAB CONDUCTED AN INVESTIGATION INTO ALLEGATIONS THAT, ON MAY 11, 2013, MOS GRIECO AND OTHER OFFICERS HAD CONDUCTED AN IMPROPER WARRANTLESS SEARCH OF A RESIDENCE AND HAD STOLEN PROPERTY DURING THE SEARCH. AS TO MOS GRIECO, IAB CONCLUDED THAT BOTH THESE ALLEGATIONS WERE UNSUBSTANTIATED, BUT DID FIND SUBSTANTIATED AN ALLEGATION THAT MOS GRIECO HAD FAILED TO MAKE PROPER MEMO BOOK ENTRIES.

#### **Disclosure # 2:**

IN ADDITION, THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS:

(1) ON OR ABOUT NOVEMBER 3, 2011, MOS GRIECO CONDUCTED AN IMPROPER SEARCH OF A PREMISES AND FAILED TO MAKE PROPER MEMO BOOK ENTRIES. THE ACCOMPANYING ALLEGATIONS OF MISSING PROPERTY FROM SAID PREMISES WAS UNSUBSTANTIATED. AS A RESULT, A B CD WAS ISSUED AGAINST MOS GRIECO.

(2) ON OR ABOUT JUNE 26, 2013, MOS GRIECO FAILED TO MAKE PROPER MEMO BOOK ENTRIES PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT PO GRIECO STOLE PROPERTY. THE ALLEGATIONS OF MISSING PROPERTY, HOWEVER, WAS UNSUBSTANTIATED. AS A RESULT, A B CD WAS ISSUED AGAINST MOS GRIECO.

(3) ON OR ABOUT AUGUST 22, 2016, MOS GRIECO FAILED TO MAKE PROPER MEMO BOOK ENTRIES PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT MOS GRIECO STOLE PROPERTY FROM A PRISONER. THE ALLEGATIONS OF MISSING PROPERTY, HOWEVER, WAS UNSUBSTANTIATED.

(4) ON OR ABOUT JUNE 8, 2017, MOS GRIECO FAILED TO MAKE PROPER MEMO BOOK ENTRIES PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT MOS GRIECO STOLE PROPERTY AND DAMAGED PROPERTY WHILE EXECUTING A SEARCH PURSUANT TO A SEARCH WARRANT. THE ALLEGATIONS OF MISSING AND DAMAGED PROPERTY, HOWEVER, WERE UNSUBSTANTIATED.

(5) ON OR ABOUT NOVEMBER 22, 2017, MOS GRIECO FAILED TO MAKE PROPER MEMO BOOK ENTRIES PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT MOS GRIECO STOLE PROPERTY FROM A PRISONER. THE ALLEGATIONS OF MISSING PROPERTY, HOWEVER, WAS UNSUBSTANTIATED.

(6) ON OR ABOUT OCTOBER 17, 2018, MOS GRIECO FAILED TO PREPARE A STOP AND FRISK REPORT AND ALSO FAILED TO MAKE PROPER MEMO BOOK ENTRIES PERTAINING TO SAID STOP AND FRISK. AS A RESULT, THE NYPD ISSUED A LETTER OF INSTRUCTION.

(7) ON OR ABOUT JANUARY 2, 2019, MOS GRIECO FAILED TO ACTIVATE HIS BODY WORN CAMERA PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT MOS GRIECO STOLE PROPERTY DURING

THE SEARCH OF A PERSON AND A PERSON'S VEHICLE. IT WAS FURTHER ALLEGED THAT THE SEARCH OF THE PERSON AND THE VEHICLE WERE WITHOUT SUFFICIENT LEGAL AUTHORITY. THE ALLEGATIONS OF IMPROPER SEARCH AND MISSING PROPERTY, HOWEVER, WERE UNSUBSTANTIATED.

(8) ON OR ABOUT FEBRUARY 8, 2019, MOS GRIECO FAILED TO MAKE PROPER MEMO BOOK ENTRIES AND INFORM IAB PERTAINING TO AN INCIDENT WHERE IT WAS ALLEGED THAT THAT MOS GRIECO STOLE PROPERTY FROM A VOUCHERED VEHICLE. THE ALLEGATIONS OF MISSING PROPERTY, HOWEVER, WAS UNSUBSTANTIATED.

**Disclosure # 3: (PENDING)**

NYPD FILED CHARGES AND SPECIFICATIONS AGAINST MOS GRIECO ARISING FROM THE FOLLOWING ALLEGATIONS ARISING FROM AN INCIDENT ON JANUARY 17, 2018, AT A LOCATION IN KINGS COUNTY WHILE MOS GRIECO WAS ASSIGNED TO PSA 2 AND ON DUTY:

(1) MOS GRIECO ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE STOPPED THE VEHICLE IN WHICH THREE INDIVIDUALS KNOWN TO THE DEPARTMENT WERE OCCUPANTS WITHOUT SUFFICIENT LEGAL AUTHORITY.

(2) MOS GRIECO ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE THREATENED TO ISSUE A SUMMONS TO THE FIRST OF THE THREE INDIVIDUALS KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

(3) MOS GRIECO ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE SEARCHED THE VEHICLE IN WHICH THREE INDIVIDUALS KNOWN TO THE DEPARTMENT WERE OCCUPANTS WITHOUT SUFFICIENT LEGAL AUTHORITY.

(4) MOS GRIECO ABUSED HIS AUTHORITY AS A MEMBER OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE SEARCHED THE SECOND OF THE THREE INDIVIDUALS KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.

**Disclosure # 4:**

MOS GRIECO IS A NAMED DEFENDANT IN THE FOLLOWING ADDITIONAL CIVIL ACTIONS:

1. WESLEY JONES V. CITY OF NEW YORK, ET AL., 12-CV-1580, FILED IN THE EASTERN DISTRICT OF NEW YORK.
2. MICHAEL JOHNSON & THOMAS JOHNSON V. CITY OF NEW YORK, ET AL., 00357/2012, FILED IN KINGS COUNTY SUPREME COURT.
3. NICQUAN BANNISTER V. CITY OF NEW YORK, ET AL., 305926/13, FILED IN THE EASTERN DISTRICT.
4. JEFFREY INGRAM V. CITY OF NEW YORK, ET AL., 12-CV-0740, FILED IN THE EASTERN DISTRICT.
5. SHAMALE LAWSON, TAMIKA FREDERICK, SAMORY HILL, AN INFANT, BY HIS PARENT AND NATURAL GUARDIAN, DOREEN HILL, AND DOREEN HILL INDIVIDUALLY V. CITY OF NEW YORK, ET AL., 501341/2013, FILED IN KINGS COUNTY SUPREME COURT.

**Disclosure # 5:**

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 06/11/2020, AGAINST MOS GRIECO:

ALLEGATION 1: FAIL TO SAFEGUARD DEPARTMENT EQUIPMENT – RADIO

ALLEGATION 2: BODY WORN CAMERA - FAIL TO ACTIVATE

CASE STATUS: CLOSED ON 07/20/2020

ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE

**Disclosure # 6:**

IN ADDITION, THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET	DISTRICT	FILED	DISPOSED	DISPOSITION
Mario Berthely	17-CV-194	E.D.N.Y.	1-13-17	-	Pending – parties are engaged in discovery
Justin McClarin	16-CV-6846	E.D.N.Y.	12-12-16	-	Pending – dispositive motion practice

<b>PLAINTIFF</b>	<b>DOCKET</b>	<b>DISTRICT</b>	<b>FILED</b>	<b>DISPOSED</b>	<b>DISPOSITION</b>
Terrance Burgess, et al.	523 191/2016	Sup. Ct. Kings Cty.	3-17-17	4-25-18	Settlement, without admission of fault or liability
Omar McFarland	17-CV-4184	E.D.N.Y.	7-14-17	4-6-18	Settlement, without admission of fault or liability
Anthony Green	15-CV-6041	E.D.N.Y.	10-21-15	4-14-16	Settlement, without admission of fault or liability
Kevin Jamel Walston, et al.	15-CV-4480	E.D.N.Y.	7-31-15	1-11-18	Judgment for the defendants, on Summary Judgment
Reginald Johnson	13-CV-7173	E.D.N.Y.	12-17-13	6-29-16	As to plaintiff Johnson, Judgment for the defendants, on a jury verdict
Rayvon Shepherd	13-CV-6142	E.D.N.Y.	11-6-13	12-7-18	Settlement, without admission of fault or liability
Nicole Agostini				6-27-16	As to plaintiff Agostini, Judgment for plaintiff, without a finding of liability or damages, pursuant to Fed. R. Civ. P. 68
Brian Foster	13-CV-5108	E.D.N.Y.	9-12-13	9-3-14	Settlement, without admission of fault or liability
Donyale Kitchens, et al.	13-CV-6105	E.D.N.Y.	11-4-13	4-3-14	Settlement, without admission of fault or liability
Nicquan Bannister, et al.	13-CV-5886	E.D.N.Y.	10-25-13	4-17-14	Settlement, without admission of fault or liability
Tyquan Myrick	13-CV-2544	E.D.N.Y.	4-26-13	1-23-14	Settlement, without admission of fault or liability
Joey Mitchell	12-CV-294	E.D.N.Y.	1-20-12	7-18-12	Settlement, without admission of fault or liability
Suzanne Jimenez-Jenkins	12-CV-2	E.D.N.Y.	1-3-12	11-30-12	Settlement, without admission of fault or liability

PLAINTIFF	DOCKET	DISTRICT	FILED	DISPOSED	DISPOSITION
Anthony Inman	11-CV-1810	E.D.N.Y.	3-23-11	7-28-11	Judgment for the defendants, upon motion pursuant to Fed. R. Civ. P. 12(b)(6)
Kshawn Wilson	10-CV-4206	E.D.N.Y.	9-15-10	3-25-11	Settlement, without admission of fault or liability

**THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND OR PENDING ALLEGATIONS AGAINST THIS OFFICER:**

**Disclosure # 7:**

CCRB CASE: 201105176

REPORT DATE: 05/06/2011

INCIDENT DATE: 04/08/2011

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

**Disclosure # 8:**

CCRB CASE: 201111996

REPORT DATE: 09/16/2011

INCIDENT DATE: 09/16/2011

CCRB SUBSTANTIATED ALLEGATION(S):

1. Abuse - Premises entered and/or searched

NYPD Disposition: Instructions

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

NYPD Disposition: Command Discipline - B and instructions

**Disclosure # 9:**

CCRB CASE: 201202092

REPORT DATE: 02/16/2012

INCIDENT DATE: 02/15/2012

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry
2. Other Misconduct Noted - Failure to produce stop and frisk report

**Disclosure # 10:**

CCRB CASE: 201207718

REPORT DATE: 06/14/2012

INCIDENT DATE: 06/09/2012

CCRB SUBSTANTIATED ALLEGATION(S):

1. Abuse - Stop

NYPD Disposition: Administrative Prosecution Unit - Command Discipline and Forfeit of one (1) vacation day

**Disclosure # 11:**

CCRB CASE: 201209434

REPORT DATE: 07/23/2012

INCIDENT DATE: 07/14/2012

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

**Disclosure # 12:**

CCRB CASE: 201405351

REPORT DATE: 06/02/2014

INCIDENT DATE: 06/01/2014

CCRB SUBSTANTIATED ALLEGATION(S):

1. Abuse - Premises entered and/or searched

NYPD Disposition: Administrative Prosecution Unit - Not guilty, no penalty

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

**Disclosure # 13:**

CCRB CASE: 201602411

REPORT DATE: 02/13/2016

INCIDENT DATE: 02/11/2016

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

**Disclosure # 14:**

CCRB CASE: 201709960

REPORT DATE: 12/01/2017

INCIDENT DATE: 11/19/2017

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry
2. Other Misconduct Noted - Failure to produce stop and frisk report

**Disclosure # 15:**

CCRB CASE: 201800398

REPORT DATE: 01/17/2018

INCIDENT DATE: 01/17/2018

CCRB SUBSTANTIATED ALLEGATION(S):

1. Abuse - Search (of person)
2. Abuse - Threat of summons
3. Abuse - Vehicle search
4. Abuse - Vehicle stop

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Failure to prepare a memo book entry

**Disclosure # 16:**

CCRB CASE: 201806404

REPORT DATE: 08/22/2018

INCIDENT DATE: 08/15/2018

OTHER MISCONDUCT NOTED:

1. Other Misconduct Noted - Improper use of bodyworn camera

**Disclosure # 17:**

CCRB CASE: 201901422

REPORT DATE: 02/15/2019

INCIDENT DATE: 04/13/2018

CCRB SUBSTANTIATED ALLEGATION(S):

1. Abuse - Threat of force (verbal or physical)

NYPD Disposition: Instructions

**Disclosure # 18: (PENDING)**

CCRB CASE: 201903162

REPORT DATE: 04/12/2019

INCIDENT DATE: 03/26/2019

PENDING CCRB ALLEGATION(S):

1. Abuse - Entry of Premises
2. Abuse - Search of Premises

**Disclosure # 19: (PENDING)**

CCRB CASE: 201903377

REPORT DATE: 04/19/2019

INCIDENT DATE: 04/08/2019

PENDING CCRB ALLEGATION(S):

1. Abuse - Entry of Premises
2. Abuse - Search of Premises

**Disclosure # 20: (PENDING)**

CCRB CASE: 201906069

REPORT DATE: 07/11/2019

INCIDENT DATE: 06/26/2019

PENDING CCRB ALLEGATION(S):

1. Abuse - Interference with recording
2. Abuse - Stop
3. Abuse - Stop
4. Abuse - Stop

**Disclosure # 21: (PENDING)**

CCRB CASE: 201908427

REPORT DATE: 09/23/2019

INCIDENT DATE: 09/20/2019

PENDING CCRB ALLEGATION(S):

1. Abuse - Entry of Premises
2. Abuse - Property damaged
3. Abuse - Search of Premises
4. Abuse - Threat of arrest
5. Offensive Lang. - Gender

**Disclosure # 22: (PENDING)**

CCRB CASE: 201908448

REPORT DATE: 09/24/2019

INCIDENT DATE: 09/17/2019

PENDING CCRB ALLEGATION(S):

1. Abuse - Refusal to show arrest warrant
2. Abuse - Threat of arrest
3. Abuse - Threat of force (verbal or physical)
4. Discourtesy - Word

Eric Gonzalez  
District Attorney  
Kings County